

PLACE, SUSTAINABILITY & CLIMATE CHANGE SCRUTINY COMMITTEE

21ST JULY 2023

UPDATE FOR THE CONSIDERATION OF ADDITIONAL PUBLIC SPACE PROTECTION ORDER (PSPO) FOR CARMARTHENSHIRE DOG ORDERS

Purpose:

To consider the approach to Public Space Protection Orders based upon the evidence available regarding dog fouling that occurs on sports pitches.

THE SCRUTINY COMMITTEE IS ASKED TO:-

To consider the information and the proportionality of the proposed approach to Public Space Protection Orders for dog fouling on sports pitches.

Review the recommended option to tackle Dog Related ASB issues.

- The Authority to draft a standard proforma and toolkit for sports groups / town and community councils to support for community action.
- Provide evidence template to capture the nature and extent of the problem in specific locations to support additional orders that may be appropriate on a site-by-site basis.
- Introduction a Fixed Penalty Notice for the offence of not having the means of cleaning up after their dog in public spaces.

Reasons

It was recommended at the Place, Sustainability & Climate Change Scrutiny meeting of the 24th November 2022 to introduce a County wide ban of dog's entering a marked up sports pitch and the introduction a Fixed Penalty Notice for the offence of not of not having the means of cleaning up after their dog. This report provides members with an update and the options available to the authority based upon legal advice given.

CABINET MEMBER PORTFOLIO HOLDER:

Councillor Aled Vaughan-Owen - Cabinet Member for Climate Change, Decarbonisation and Sustainability

Directorate:-

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EXECUTIVE SUMMARY

PLACE, SUSTAINABILITY & CLIMATE CHANGE SCRUTINY COMMITTEE

21ST JULY 2023

UPDATE FOR THE CONSIDERATION OF ADDITIONAL PUBLIC SPACE PROTECTION ORDER (PSPO) FOR CARMARTHENSHIRE DOG ORDERS

1 SUMMARY REPORT.

- 1.1 On the 24th November 2022 the Scrutiny Committee recommended the introduction of an additional Countywide Public Spaces Protection Order to ban dogs from a defined sports pitches located within the county and the introduction of a fixed penalty notice for the offence of not having the means of cleaning up after their dog.
- 1.2 A review has been undertaken to gather the existing data of the problems and extent of dog related anti – social behaviour to support the introduction of an exclusion order of dogs from Marked sports pitches, the data gathered shows the number of complaints received in 2022 – 23 was just 209, and no complaints were received of dog related ASB occurring on playing fields or sports pitches.
- 1.3 A review was also undertaken of the previous consultations to see how many respondents raised the issue. It shows that a number of respondents have raised the issue over the years, although the number of responses which do so is quite low. It should be noted that this historical evidence is a number of years old and therefore of limited value.
- 1.4 Current data held by Carmarthenshire County Council.

The table below show the number of Fixed Penalty Notices and prosecutions taken by the authority since the introduction of the Public Spaces Protection Order 2016.

Table A: No of FPN's and Prosecutions taken by Carmarthenshire County Council.

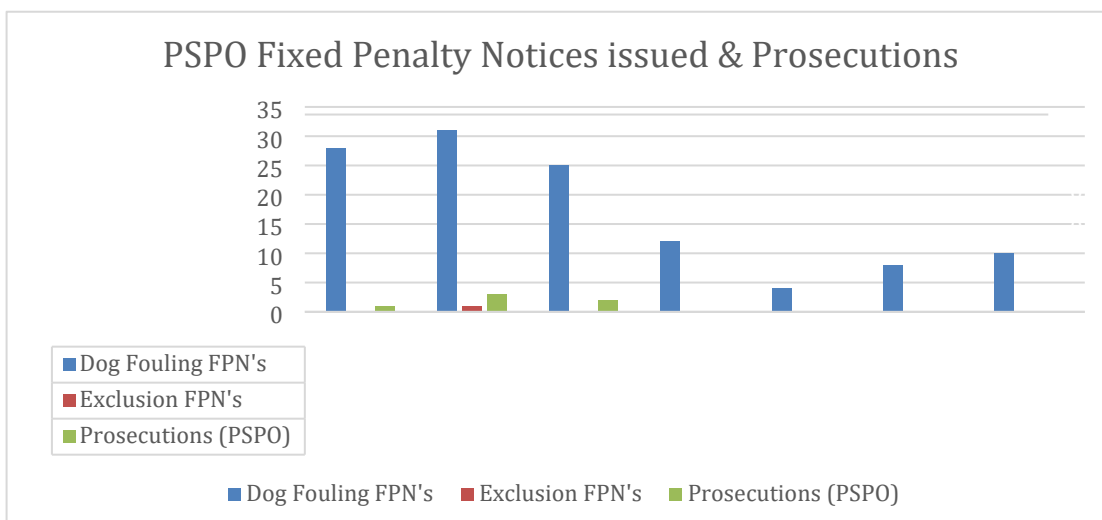
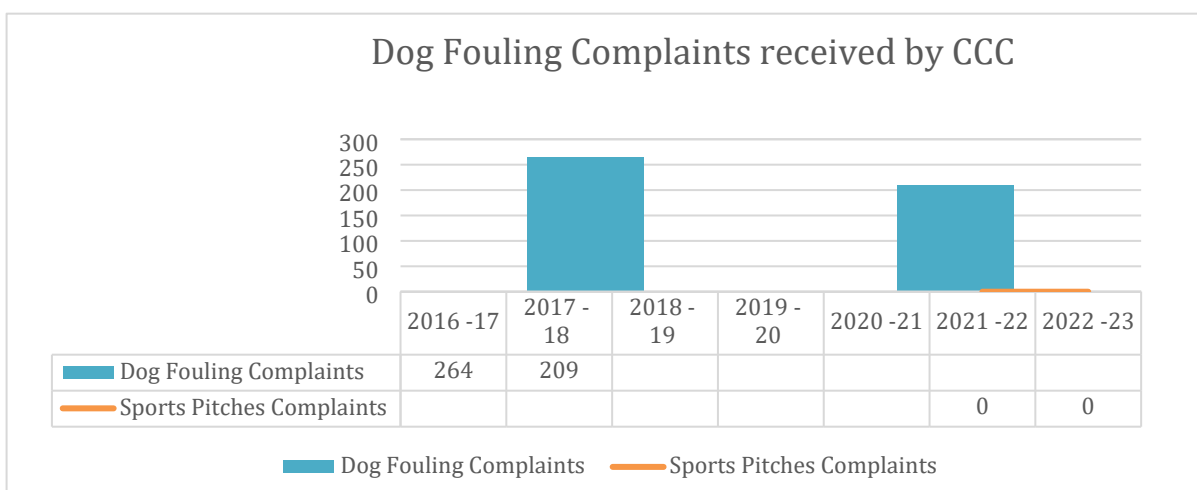


Table B: Number of complaints received by CCC for the 2021/22 7 2022/23 period.



N.B. No warning letter / community protection notices have been issued by the authority for dog related anti-social behaviour issues.

- 1.5 Legal Advice has stated that any PSPO needs to be evidence based, and a proportionate response to the problems which are occurring. From a legal perspective it is deemed that we have insufficient evidence at present to sufficiently demonstrate that the introduction of a County Wide PSPO to address this problem is proportionate.

- 1.6 Also, at present the authority does not have sufficient data on all community owned playing fields / sports pitches currently used in the county of Carmarthenshire. Further work will be required to identify these assets working with communities to identify areas that are maintained privately but are accessible to the public.
- 1.7 Based on the current available evidence gathered, and considering the proportionality of our options the recommendation is:
- To engage with communities and sports groups to facilitate further evidence gathering through the provision of a toolkit.
 - Maintain the use of existing powers to address the current problems.
 - Working with the community to develop site specific PSPO's based on evidence and proportionality to address the issue, once evidence is gathered and provided by the community or sports group.
- 1.8 A community proforma and toolkit is being produced for sports groups / town and community councils etc to support for community action in relation to dog fouling and provide an evidence template to capture the nature and extent of the problem to support any additional orders that may be appropriate.
- 1.9 The Toolkit will allow sports Groups / Town and Community Councils to records incidents as part of the evidence gathering electronically (epicollect system) or using paper audit sheets.
- 1.10 The Local Environmental Quality Team will provide guidance and support to all the Sports Groups / Town & Community Councils who want to undertake the evidence gathering exercise.

2. SUGGESTED NEXT STEPS

1. Develop a community toolkit and evidence gathering proforma to support community groups and sports associations to tackle the problem of dog fouling.
2. Encourage sports Groups / stakeholders to provide greater intelligence to evidence the extent of the dog related anti-social behaviour to aid the enforcement team to undertake targeted action and develop site specific PSPOs based on proportionality.
3. Introduce a new Fixed Penalty Notice for the offence of not having the means of cleaning up after their dog in public spaces.

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed:

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
Yes	Yes	None	None	None	None	None

1. Policy, Crime & Disorder and Equalities

This matter falls within Community Safety and Public Health Policies and Initiatives. These proposals will support the Council's aims with regard to reducing environmental Crime and Safeguarding Public Health.

2. Legal

Expansion of the PSPO (Dog Control Orders) is not a legal duty but is a discretionary power. However, where appropriate and there are benefits in extending the current order, then this would be done in compliance with all the relevant legislation and in consultation with the Council's Legal Services Department

**CABINET MEMBER PORTFOLIO HOLDER
AWARE/CONSULTED**

YES

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE